

# EXHIBIT 1

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
Alexandria Division**

ROSY GIRON DE REYES; JOSE  
DAGOBERTO REYES; FELIX ALEXIS  
BOLANOS; RUTH RIVAS; YOVANA  
JALDIN SOLIS; ESTEBAN RUBEN MOYA  
YRAPURA; ROSA ELENA AMAYA; and  
HERBERT DAVID SARAVIA CRUZ,

*Plaintiffs,*

vs.

WAPLES MOBILE HOME PARK LIMITED  
PARTNERSHIP; WAPLES PROJECT  
LIMITED PARTNERSHIP; and A.J.  
DWOSKIN & ASSOCIATES, INC.,

*Defendants.*

Civil Action No. 1:16cv00563-TSE-TCB

**EXPERT REPORT OF WILLIAM A.V. CLARK, PH.D.**

William A.V. Clark, Ph.D, Department of Geography, University of California, Los Angeles,  
October 28, 2016

## **1. THE QUESTION**

A question which routinely emerges in demographic analysis is whether some pattern is the outcome of chance or the result of specific actions by one or more actors. A similar and related question is whether a particular policy disproportionately impacts a particular group, often defined by race, ethnicity or national origin. The current report deals with such a situation. Does the policy requiring proof of citizenship in a mobile home park disproportionately impact Hispanic families? To assess this question, this report analyzes the demographics of the Hispanic population in Virginia, Fairfax County, Fairfax City and Census tract 4406 (“Tract 4406”), which is the tract in which the Waples Mobile Home Park (the “Park”), the subject of current litigation, is located.

## **2. FINDINGS AND OPINIONS**

**a.** The Hispanic population of Fairfax County, Fairfax City and Tract 4406 is proportionately greater than the State as a whole.<sup>1</sup> Tract 4406 has proportionately almost twice as many Hispanics (29.1%) as Fairfax County (16.0%) and nearly four times the proportion of the State (8.4%). Any policy focused specifically on the sub-area defined by Tract 4406 will have a disproportionate impact on the Hispanic population.

**b.** Large single family housing predominates in Virginia, Fairfax County and Tract 4406. Approximately 68 percent of the housing stock is owned. There is a small proportion of mobile homes (*i.e.*, manufactured homes) in the State (5.3% of the housing stock Statewide), 0.5 percent in Fairfax County, and none in Fairfax City. However, in Tract 4406, 12.4 percent of the housing units are mobile homes. A residential policy specifically in Tract 4406 will have a greater effect on those living in mobile homes when the policy is directed at that housing type.

**c.** In general housing costs are above national averages in Fairfax County, Fairfax City and in Tract 4406, with the exception of the small residential area of mobile homes. These mobile homes vary in value in the range of \$35,000 to \$60,000. In contrast median house prices are in the \$400,000 range in Fairfax County, Fairfax City, and the single family homes of the remainder of Tract 4406. The mobile homes are the only low cost homes adjacent to Fairfax City employment centers.<sup>2</sup>

**d.** The undocumented population in the United States is now estimated to be close to 11 million persons. The undocumented population is approximately 270,000 in Virginia, which constitutes 3.4 percent of the State’s population. It is proportionately double that in the Fairfax County area, where it is close to 8 percent of the County population. Using the best available estimates,

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<sup>1</sup> Fairfax County, Fairfax City and Tract 4406 also have higher proportions of Hispanics than the national average.

<sup>2</sup> I am defining low cost as house values in the lowest quintile of house values in Fairfax County.

somewhat greater than 30 percent of the Hispanic population in Tract 4406 is likely to be undocumented.

e. Tract 4406 is a Census tract on the adjacent boundary to Fairfax City. Much of the tract is suburban and the residential areas are largely expensive single family homes except for an area at the northeastern edge of the tract, where the Park is located. The Park provides low cost ownership housing close to employment opportunities in Fairfax City. Because the policy specifically affects that area and the homes in it, the impact of the policy on the Hispanic and the Hispanic undocumented population is likely to be much greater than for the tract as a whole.

f. The documents which outline the leaseholder agreements require Social Security numbers, or passport and visa and I-94 documentation and thus are directed at residents of the Park who are not citizens. Sixty percent of the list of residents (provided by counsel) who are, or were recently, residents of the Park have Hispanic surnames. As a disproportionate number of Hispanics are not citizens, a disproportionate number of residents will be impacted by the Park's leaseholder policy.

### **3. DATA AND RESOURCES**

The research and opinions in this report are based on a background of research and expert testimony on housing patterns, housing segregation, and housing discrimination. In addition, I have carried out specific demographic studies of Fairfax County and the tracts within the County.

My research on Virginia, Fairfax County and Tract 4406 has relied on American Community Survey Census materials from the U.S. Census Bureau, data from the Center for Migration Studies and the Migration Policy Institute. The data from the Census was downloaded using American Factfinder. The data included population counts for the State, Fairfax County and City and Tract 4406. The data were used to compute percentages of the Hispanic (Latino) population. Data from the Pew Foundation, the Center for Migration Studies (CMS) and Migration Policy Institute (MPI) were used to report the undocumented population.

The maps provide the location of Fairfax City and Tract 4406, and the layout of the Park.

I reviewed the documents related to the application for lots at the Park. The "Future Resident Information Guide" (5-14-2015) has the stipulation that applicants must provide Social Security numbers and/or passport and visa and I-94 documentation. I also reviewed documents which are lists of present or recent residents of the Park. I used Census documentation of Spanish surnames to identify the Hispanic population who were listed as present or recent residents of the Park.

I reviewed Court filings and court judgments from this case, including the complaint, and the court's memorandum denying Defendants' motion to dismiss.

### **4. QUALIFICATIONS**

I am a geographer and demographer by training and I am Research Professor of Geography at

UCLA. My research interests are in residential mobility, housing choice, neighborhood change, and the impacts of demographic shifts, including international migration, on local areas. I have published widely on the issues of housing choice, residential separation and the distribution of housing in cities. My publications include nine books and approximately 400 research papers and reports. The books, Residential Mobility and Public Policy (edited), Modelling Housing Market Search (edited), Human Migration, and Households and Housing: Choice and Outcomes in the Housing Market (co-authored) and the Sage Handbook of Housing Studies are volumes that address issues of housing search, housing choice and housing outcomes and housing segregation. I previously taught graduate courses on housing and migration and undergraduate courses on population. I have been a visiting professor at Universities in Europe, New Zealand and Australia. I was a fellow at the Netherlands Institute for Advanced studies in the Humanities and Social Sciences in 1993 and held a Guggenheim Fellowship in 1994-95. In 1997 I was elected an Honorary Fellow of the Royal Society of New Zealand, and in 2003 I was elected to the American Academy of Arts and Sciences. In 2005, I received the Decade of Behavior Award for my research that influences public policy, and I was elected to the National Academy of Sciences. My curriculum vitae provides a complete summary of my educational background, work experiences, consulting, publications and research contributions (**Exhibit A**).

## 5. ANALYSIS

### *Population*

The relevant geographical units, in increasing locality, for an analysis of disparate impact are the Commonwealth of Virginia, Fairfax County, Fairfax City and Tract 4406. For each of these units the table provides data on the total population, the Hispanic (Latino)<sup>3</sup> population and the proportion Hispanic at each scale of geography.

	Virginia	Fairfax County	Fairfax City	Tract 4406
Population	8,185,131	1,117,072	23,507	3,294
Not Hispanic	7,497,866	938,150	19,684	2,337
Hispanic (%)	687,265 (8.4)	178,922 (16.0)	3,823 (16.3)	957 (29.1)

Source: American Community Survey 2009-14 Estimates

### *Housing*

In general housing costs are above national averages in Fairfax County, Fairfax City and in Tract 4406, with the exception of the small residential area of mobile homes. These mobile homes vary in value in the range of \$25,000 to 60,000.<sup>4</sup> In contrast, median house prices are in the \$400,000 range in Fairfax County, Fairfax City, and the single family homes in the remainder of Tract

<sup>3</sup> The terms Hispanic and Latino are used interchangeably to describe the inhabitants of the United States who are of Latin American or Spanish origin—that is, Hispanic or Latino Americans.

<sup>4</sup> <http://www.homes.com/for-sale/fairfax-county-va/mobile-homes/> and <http://www.zillow.com/fairfax-county-va/mobile>

4406. The mobile homes are the only low cost homes adjacent to Fairfax City employment centers.

	Virginia	Fairfax County	Fairfax City	Tract 4406
Housing Units	3,403,241	409,108	8,745	948
Mobile Homes (%)	180,419 (5.3%)	2,070 (0.5%)	0 (0%)	118 (12.4%)
Median House Value	\$243,500	\$486,900	\$462,800	\$428,400

Source: American Community Survey 2009-14 Estimates

### ***The Undocumented Population***

Estimates of the undocumented population have been calculated by the Center for Migration Studies, the Pew Foundation and the Migration Policy Institute. There are only very small differences in the reported numbers in these studies. To have a consistent set of numbers, I have used data from Center for Migration Studies (CMS) for all calculations. The estimated values are similar in the data available from the Pew Foundation and the Migration Policy Institute. The CMS estimates are provided with a detailed description of the methods<sup>5</sup> and are the only estimates which are provided at the local geographic area (PUMA).

Virginia has a large undocumented population which has increased significantly in the past decade. Estimates of the Virginia undocumented population from the Center for Migration Studies, the Pew Foundation and the Migration Policy Institute are about 270,000 persons. The Migration Policy Institute estimates an undocumented population of 272,000 in Virginia and 94,000 in Fairfax County.<sup>6</sup> The undocumented population is approximately 3.5 percent of the Virginia population. The CMS reports an undocumented population of 268,916 and a Fairfax County undocumented population of 97,665.<sup>7</sup>

	Virginia	Fairfax County	Tract 4406
Total Population	8,185,131	1,117,072	3,294
Total Undocumented (%)	268,916 (3.4)	97,655 (8.0)	
Total Non Hispanic	7,497,866	938,150	2,337
Undocumented	95,196	42,773	
Undocumented ratio	1.3	4.6	
Total Hispanic	687,265	178,922	957
Undocumented	173,720	54,882	301
Undocumented ratio	25.3	30.7	31.4

The smallest relevant geographic area for which there are undocumented population statistics is

<sup>5</sup> Robert Warren (2015) The Estimated Undocumented Population 11 Million: How Do We Know. Center for Migration Studies New York.

<sup>6</sup> <http://www.migrationpolicy.org/programs/us-immigration-policy-program-data-hub/unauthorized-immigrant-population-profiles>

<sup>7</sup> <http://cmsny.org/new-unauthorized-database-released>

the Fairfax County Central, Fairfax City, Burke PUMA (Public Use Microdata Area). The PUMA has a population of 157,949 and the Hispanic population is 18,954. Of the Hispanic population 5,944 (31.4%) are estimated to be undocumented (CMS database statistics from the PUMA data tool). We can apply that estimate to the 957 Hispanics in Tract 4406, which yields an undocumented Hispanic population of 301 in Tract 4406.

There is of course variation in small area estimates (the Margin of Error). The estimate and variation for the Hispanic population in Tract 4406 is +/-251, or 26%. Applying this variation to the undocumented population yields a range of 223-379. Because of the particular structure of the tract – concentrated lower cost housing in the Northeast section of the tract – it is also likely that a large proportion of the undocumented population is located in that subarea such that the policy's impact would be greater in that subsection of the tract.

The residents of the Park are estimated to be 60 percent Hispanic/Latino. The estimate is based on a surname analysis of a Park resident list provided by counsel (*i.e.*, WAPLES00001335). I evaluated the names on the list against the Census List of Hispanic Surnames. The approach and techniques are discussed in the Census Technical Working Paper No 13. March 1996.<sup>8</sup> The Census list is available without cost through Appendix E: NAACCR (North American Association of Central Cancer Registries 2003). It is also available for a fee from the U.S. Census.

In sum, comparing the undocumented population in Fairfax County and Census Tract 4406 to other groups at the County and the Census tract level reveals a disparate impact at both levels. Undocumented immigrants constitute 30.7 percent of the Hispanic population in Fairfax County and 31.4 percent in Census Tract 4406. Undocumented immigrants are only 4.6 percent of the non-Hispanic population in Fairfax County. Thus, Latinos are nearly 7 times more likely to be undocumented than other groups and so 7 times more likely to be adversely affected by the policy.

### ***Geography***

The Waples Mobile Home Park is located in the Northeast section of Tract 4406 (Figure 1). The tract is adjacent to Fairfax City and the Park provides low cost housing for residents who likely work in jobs in employment centers along Route 66, I-66 and in Fairfax City. There are no mobile home units in Fairfax City and limited low cost housing.

The Park is adjacent to the Fairfax Shopping Center and provides approximately 150 lots for mobile homes (Figure 2). The remainder of Tract 4406 is high value single family homes. Because the policy of the Park is directed specifically to a small area of Tract 4406 it is probable that the effect on the population in that area is greater than it is for the tract as a whole. This view is confirmed by the analysis of the resident list discussed above.

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<sup>8</sup> D.L. Word and R C Perkins Building a Spanish Surname List for the 1990s – a New Approach to an Old Problem. Population Division US Bureau of the Census, Washington, D.C.

**6. TESTIMONY IN COURT OR BY DEPOSITIONS IN THE PAST FIVE YEARS**

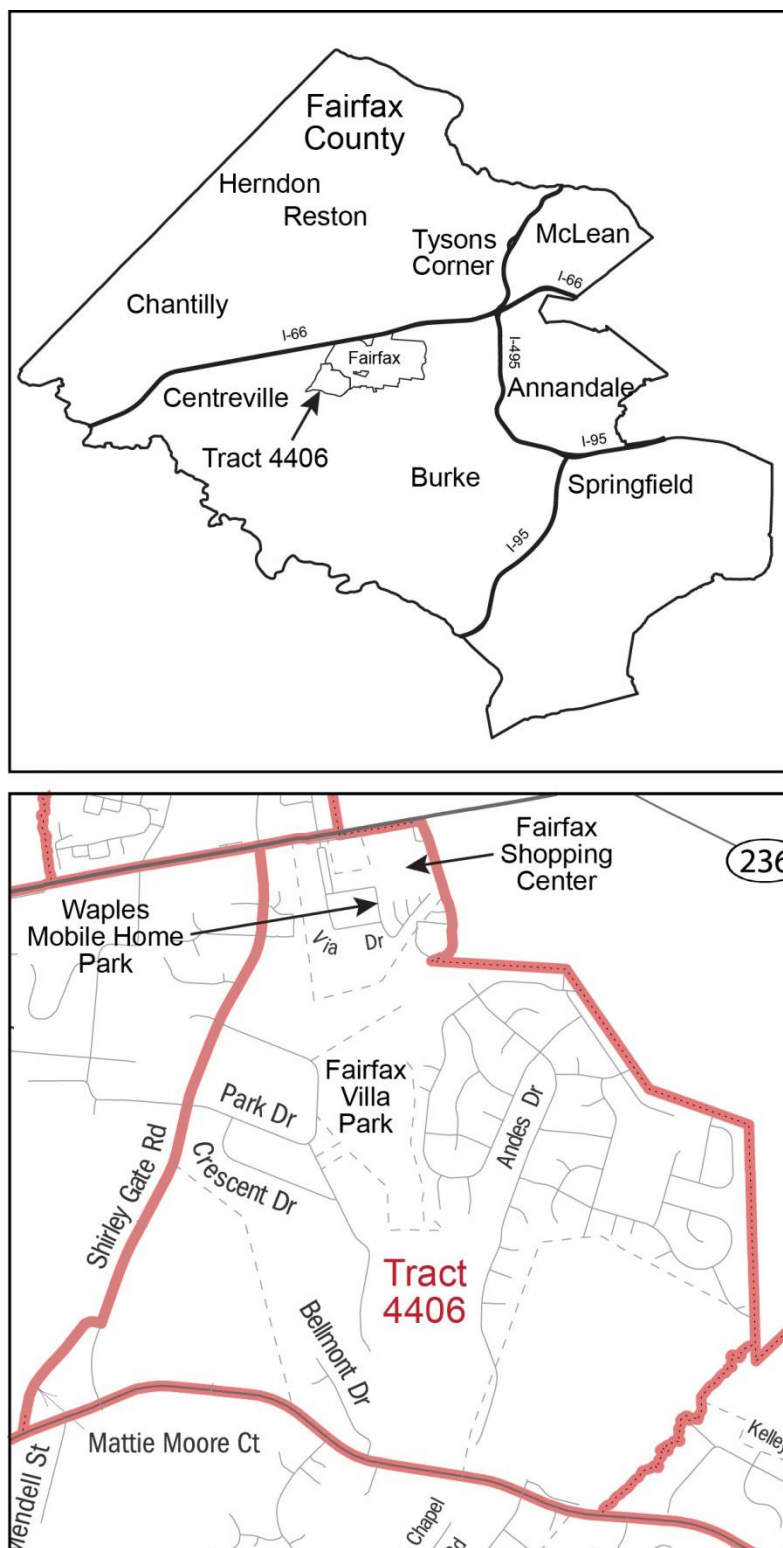
- (a) *Little Rock School District v. The State of Arkansas* 2013 (Deposition).
- (b) *Ronda Everett v. Pitt County Schools, United States District Court, Eastern District of North Carolina, Old Washington Division, Case number 6:69-CV-702-H.* (North Carolina) 2012-2013 (Deposition and Testimony).
- (c) *Jones, et al. v. Travelers Casualty Insurance Company* Case No. CV 13-02390 LHK United States District Court, Northern District of California 2015 (Deposition).

**7. COMPENSATION:** My hourly rate for research and testimony in this case is \$300. My compensation is not tied to or contingent upon the outcome of this litigation.

Signed: William A.V. Clark  
William A.V. Clark

Date: 28 October 2016





**Figure 1: Maps of Fairfax County and Tract 4406**

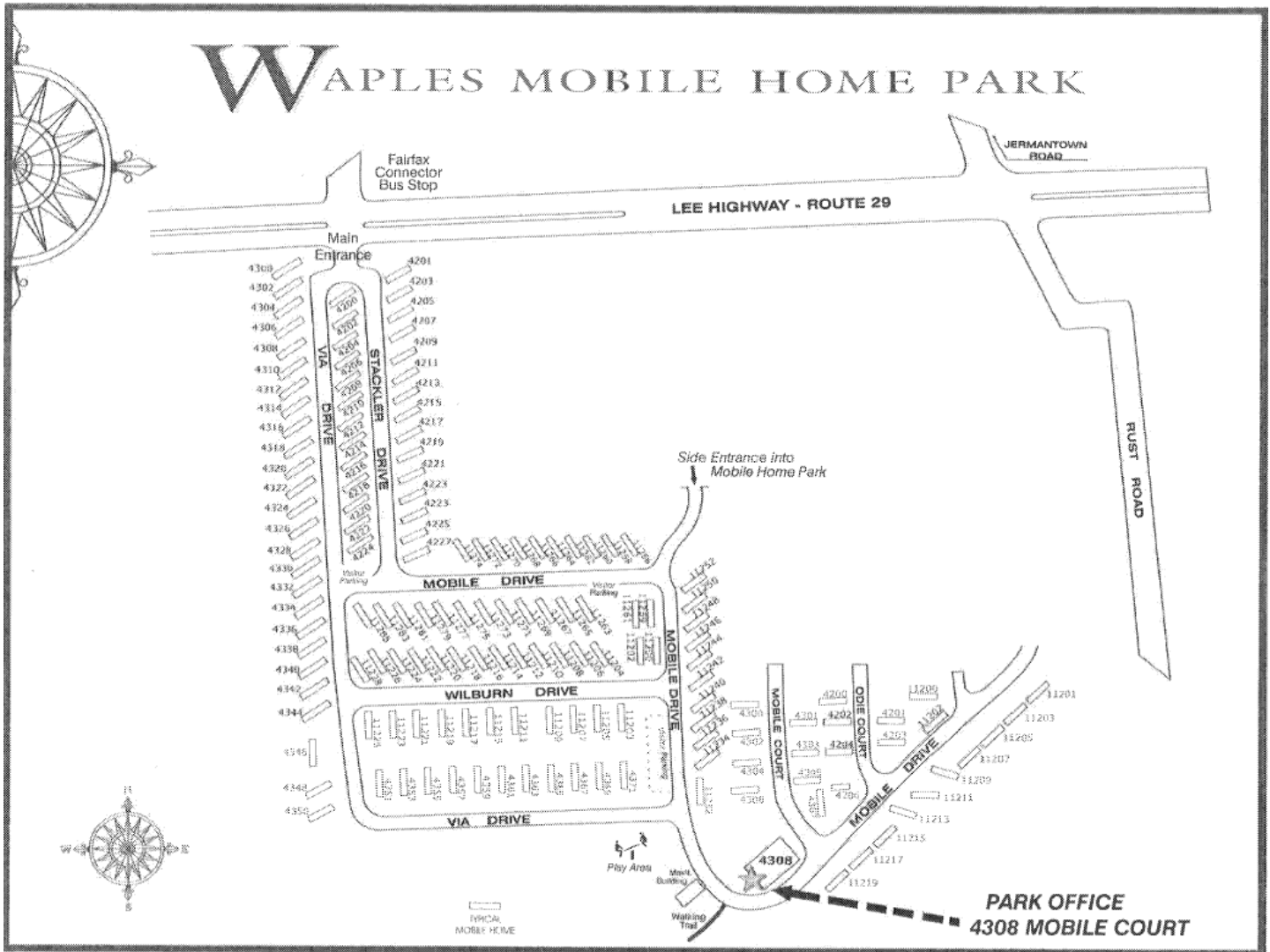


Figure 2: Map of the Waples Mobile Home Park